

**Regular Meeting of County Commissioners**  
**Tuesday March 17, 2020**

The regularly scheduled meeting of the County Commissioners was convened at 9:04 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner  
Bobby Rucci, Vice President, County Commissioner  
Gilbert O. Bowling, III, County Commissioner  
Thomasina O. Coates, M.S., County Commissioner  
Amanda M. Stewart, M.Ed., County Commissioner  
Mark Belton, County Administrator  
Wesley Adams, County Attorney  
Carol A. DeSoto, Clerk to the Commissioners

**Open Session**

Commissioner Collins called the meeting to order and led the pledge of allegiance.

**\*POSTPONED\*Citation: Maryland 2020 Century Farm- Poplar Springs Farms (Dyson Family)**

**Proclamation 2020-09 National Agriculture Day**

The Commissioners proclaimed March 24, 2020 as National Agriculture Day in Charles County.

**Commissioners' Comments**

Commissioner Collins explained that on March 16, 2020 he signed a proclamation declaring a state of emergency in Charles County to enhance our efforts to respond to this widespread, unprecedented public health crisis with the COVID-19 coronavirus pandemic. He further explained that Charles County Government will continue to provide the essential services.

**Charles County Health Department Update: Coronavirus/CoVid-19**

Dr. Suzan Lowry, Health Officer, Charles County Health Department shared latest efforts to prevent the spread of COVID-19 (Coronavirus). The information included the process for testing, tracing, and preventing COVID-19 from being transmitted locally. Additionally, several other agency leaders provided updates on their specific efforts to prevent the spread of the virus, including Dr. Kimberly A. Hill, Superintendent, Charles County Public Schools; Sheriff Troy Berry, Charles County Sheriff's Office; Dr. Maureen Murphy, President, College of Southern Maryland; Mayor Brandon Paulin, Town of Indian Head; and Chief Carl Schinner, Town of La Plata Police. Ms. Michelle Lilly, Director, Department of Emergency Services concluded the update explaining the coordinated efforts that the core planning team has with the health department and the other County agencies and partners.

**Approval of the Minutes of March 10, 2020**

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of March 10, 2020.

**Notice of Tentative Agenda of March 24, 2020**

Ms. Carol DeSoto, Clerk to the Commissioners, announced the tentative agenda for March 24, 2020.

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**Approval Items**

*Discussion-Charles County State of Emergency Declaration*

Mr. Wes Adams, County Attorney, Office of County Attorney, explained that the Commissioner President could authorize a state of emergency for a time period less than thirty (30) days. If this declaration needs to be extended more than thirty (30) days, then it needs the full Board of County Commissioners' approval. The current Charles County State of Emergency Declaration expires at 11:59 a.m. on April 15, 2020. The Commissioners will wait and see how things evolve before extending the Charles County State of Emergency Declaration.

Commissioners directed Mr. Mark Belton, County Administrator, to develop a plan to move all future Board meetings to a virtual platform that could be broadcast online and on CCGTV to ensure the safety of employees and residents as the county continues to manage COVID-19 as a local public health emergency. County staff will notify the public through the local media, CCGTV, and online communication tools to keep the public informed on viewing future meetings. Staff will also research on how to incorporate a call-in function for the public.

The Commissioners agreed that the March 24, 2020 would be canceled unless important time sensitive items need to be addressed.

*FY2020 Budget Transfer Request #7618 One Time Purchases for Waldorf Senior and Recreational Center*

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget transfer request would cover one-time purchases for the Waldorf Senior and Recreational Center of acoustic wall panels and fund repair/recondition parking lot with new asphalt.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request #7618 One Time Purchases for Waldorf Senior and Recreational Center for seventy-six thousand four hundred and ninety dollars (\$76,490.00).

*Draft Letter of Support-Friends of Smallwood State Park's Grant Application to Preservation Maryland*

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the draft letter of support.

*Draft Conservation Easement Agreement - Mt. Tirzah Limited Partnership, Burroughs Hall*

Mr. Wes Adams, County Attorney, Office of the County Attorney, explained that the developer was abandoning preliminary plans and putting the land into perpetual easement. The agreement would terminate the Developers Rights and Responsibilities Agreement (DRRA) and the County would refund the fifty-three thousand five hundred and eighty-four dollars and eighty-three cents (\$53,584.83) remitted to the County pursuant to the terms of the DRRA.

Commissioner Stewart was not against this agreement in theory of putting the land in perpetual easement. She stressed that this was a policy issue and should not be done this way. It should be based on an established written policy to refund money on these types of contracts. This type of policy has not been established yet by the Commissioners. Mr. Adams explained that these cases are unique and

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should be handled on a case by case basis since it would be difficult to establish a particular policy to encumber all businesses.

Commissioner Stewart suggested that a bigger discussion Mr. Adams and Mr. Belton should look into, would be to include language in contracts related to return of monies over a certain dollar amount and put in place a refund policy in contracts.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Coates and Collins present, voting in favor to approve the Agreement to Terminate the Developers Rights and Responsibilities Agreement with Burroughs Hall Subdivision, DRRA #10-0004. Commissioner Stewart was opposed. The motion passed four (4) to one (1).

*\* POSTPONED\* Tabled Discussion: Maryland Capital Region Economic Development Joint Statement on Collaboration*

**\*Postponed\* Update: 2020 Maryland General Assembly Legislative Session**

**Budget Work Session: FY2021 Enterprise Funds, Operating and Capital Budgets**

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, reviewed the anticipated revenues, expenditures, and requests for funding from the County's Enterprise Funds in the fiscal 2021 budget. They presented a detailed overview of the Water and Sewer Fund total proposed budget of forty one million eight hundred thousand dollars (\$41,800,000.00); the Inspection and Review Fund total proposed budget of four million nine hundred and twenty one thousand five hundred dollars (\$4,921,500.00); the Landfill Operations total budget of ten million two hundred and thirty two thousand one hundred dollars (\$10,232,100.00); the Environmental Service Fund total budget of seven million four hundred and sixty seven thousand five hundred dollars (\$7,467,500.00); the Watershed Protection and Restoration Fund total operating budget of five million six hundred and thirty one thousand six hundred dollars (\$5,631,600.00); the Recreation Fund total proposed budget of two million four hundred and thirty nine thousand six hundred dollars (\$2,439,600.00); and the Cable Franchise Operations total proposed budget of three million six hundred and twenty three thousand one hundred dollars (\$3,623,100.00).

**Commissioners' New Business**

Commissioner Bowling proposed that the Board consider how part-time employees could be paid during the time that they are not providing direct service at government facilities as a result of the COVID-19 public health emergency.

The Commissioners directed Mr. Mark Belton, County Administrator, to gather the numbers of those employees affected and conduct a fiscal analysis and provide an update to the Board.

Commissioner Collins proposed that the Board consider establishing a COVID-19 Emergency Response Fund that could direct resources and support to those in the community who need it.

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The Commissioners directed Mr. Belton to bring together partnering agencies and develop a proposed action plan for both the for-profit small businesses as well as the nonprofit organizations, in order to identify need criteria, funding source and feasibility. He was directed to work with the Charitable Trust and nonprofit partners and the Department of Economic Development to help establish the need criteria.

**\*POSTPONED\* Work Session: Board of County Commissioners' Annual Goals and Objectives**

**Closed Session**

At 12:28 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to move into closed session where all or a portion of this session may be closed pursuant to Section 3-305(b)(1)(3)(4)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on four (4) issues: one (1) related to a potential land acquisition and potential litigation; one (1) related to an agreement; one (1) support agreement for a business to locate, expand in the state; one (1) potential litigation; and to discuss appointments to three (3) Commissioner appointed Boards and to discuss appointments to the Commissioner Committee Assignments. The reason for closing is to keep legal, approaches and strategies confidential and to protect applicants' confidential applications in order to preserve the ability to attract qualified applicants.

**Summary Closed Session Items**

At 12:42 p.m. the Commissioners went into closed session.

**Administrative Function**

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, and Danielle Mitchell.

Ms. Danielle Mitchell, Associate County Attorney, Office of County Attorney reviewed the legislative process.

The Commissioners directed Ms. Mitchell to bring back a redline version of the Standard Operating Procedures (SOP) with the discussed changes.

**\*POSTPONED\* 3-305(b)(1) Personnel: Boards, Commissions and Committees Appointment Review**

**3-305(b)(1) Personnel: Commissioner Committee Assignments Review**

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, and Carol DeSoto.

Ms. Carol DeSoto, Clerk to the Board of Commissioners, reviewed the calendar year 2020 Commissioner Committee Assignments.

The consensus of the Commissioners was to approve the Committee assignments as presented. Staff is to provide the Commissioners more information on each committee including the charge and the meeting dates and times.

**\*POSTPONED\* 3-305(b)(3)(7)(8) Legal Advice/Potential Litigation/Potential Land Acquisition**

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Elizabeth Theobalds and Deborah Hall.

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**3-305(b)(4)(7): Legal/Business to Relocate or Expand in State: Letter of Support**

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, and Darrell Brown.

Mr. Darrell Brown, Director, Department of Economic Development, reviewed a draft letter of support for a business to relocate, expand in Charles County.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the letter of support.

**3-305(b)(7) Legal Advice: Agreement**

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, and Carol DeSoto

Mr. Wes Adams, County Attorney, Office of the County Attorney, reviewed an agreement with the Commissioners.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed with all Commissioners present, voting in favor to approve all the redline revisions with the additional Commissioner edits.

**3-305(b)(7)(8): Legal: Update on a Litigation**

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, and Carol DeSoto

Mr. Wes Adams, County Attorney, Office of the County Attorney, provided an update on an ongoing litigation issue.

At 1:34 p.m. a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end close session and adjourn.



Carol A. DeSoto, Acting Clerk



Reuben B. Collins, II, Esq., President

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**FORM OF STATEMENT FOR CLOSING A MEETING**

Location: Commissioners' Meeting Room

Date: March 17, 2020

Time: 12:28 p.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Coates

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gilbert O. Bowling, III.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomasina O. Coates, M.S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Stewart, M.Ed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bobby Rucci	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**STATUTORY AUTHORITY TO CLOSE SESSION**

**General Provisions Article §3--305(b):**

(1)  To discuss:

(i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or

(ii) Any other personnel matter that affects one or more specific individuals.

(2)  To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.

(3)  To consider the acquisition of real property for a public purpose and matters directly related thereto.

(4)  To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

(5)  To consider the investment of public funds.

(6)  To consider the marketing of public securities.

(7)  To consult with counsel to obtain legal advice on a legal matter.

(8)  To consult with staff, consultants, or other individuals about pending or potential litigation.

(9)  To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

(10)  To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:

(i) the deployment of fire and police services and staff; and

(ii) the development and implementation of emergency plans.

**FORM OF STATEMENT FOR CLOSING A MEETING**

**Appendix C C-2**

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(11) [ ] To prepare, administer or grade a scholastic, licensing, or qualifying examination.

(12) [ ] To conduct or discuss an investigative proceeding on actual or possible criminal conduct.

(13) [ ] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

(14) [ ] Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

**3-305 (b)(1) Personnel: Appointments to three (3) Boards, Commissions, Committees and Board of County Commissioner Committee Assignments**

REASON FOR CLOSING: To protect applicants' confidential applications in order to preserve the ability to attract qualified applicants.

**3-305 (b)(3)(7)(8) Legal Advice: Potential Land Acquisition and a Potential Litigation**

REASON FOR CLOSING: To keep legal approaches confidential

**3-305 (b)(4)(7) Legal Advice: Support Agreement for a Business to Locate, expand in the State**

REASON FOR CLOSING: To keep legal approaches confidential

**3-305 (b)(7) Legal Advice: An Agreement**

REASON FOR CLOSING: To keep legal approaches confidential

**3-305 (b)(7) Legal Advice: Potential Litigation**

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President